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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : S. SCHRAGA

Confirmation No. 4446

Appl. No. : 09/592,680

Group Art Unit: 3734

Filed : June 12, 2000

Examiner: V. Q. Bui

For : LANCET HAVING ADJUSTABLE PENETRATION DEPTH

NOTIFICATION AND PAYMENT OF DEFICIENT AMOUNT AND CHANGE OF STATUS TO LARGE ENTITY STATUS UNDER 37 C.F.R. §§ 1.27 AND 1.28

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop _____
Randolph Building
401 Dulany Street
Alexandria VA 22314
Sir:

Applicant notes that the small entity assertion of May 17, 2001 was made in error, and that Applicant was not entitled to change the status as a small entity then from the large entity status which was established at the time the instant continuation Application No. 09/592,680 was filed. Further, the error in asserting small entity status was committed without deceptive intent. Accordingly, Applicant requests that the status of the instant application be changed from small entity to large entity.

At the time the instant Application was filed, Applicant paid the filing fees as a large entity. Furthermore, the Supplemental Preliminary Amendment filed on November 6, 2006 adding 87 additional claims was also paid as a large entity. However, the fee for filing a Terminal Disclaimer on May 17, 2001 was incorrectly paid as a small entity in the amount of \$55.00. Additionally, the fee for the fifteen (15) additional independent claims filed with the Rule 1.111 Amendment on December 3, 2004 was incorrectly paid as a small entity in

the amount of \$ 660.00. Finally, the fee for filing the RCE on May 17, 2005 was incorrectly paid as a small entity in the amount of \$ 395.00.

Applicant, in accordance with 37 C.F.R. §§1.28(c)(1) and (2), herewith submits payment to pay the deficiency between the small entity amount paid by Applicant on the above noted dates and the amount that would be owed as a large entity (under the current fee schedule).

The following is an itemization of the total deficiency as required by 37 C.F.R. § 1.28(c)(2)(ii):

Fees Paid (May 17, 2001)

1) The fee for filing a Terminal Disclaimer on May 17, 2001 was incorrectly paid as a small entity in the amount of \$55.00.

Fees Paid (December 3, 2004)

2) The fee for the fifteen (15) additional independent claims filed with the Rule 1.111 Amendment on December 3, 2004 was incorrectly paid as a small entity in the amount of \$ 660.00.

Fees Paid (May 17, 2005)

3) The fee for filing the RCE on May 17, 2005 was incorrectly paid as a small entity in the amount of \$ 395.00.

Total Fees Improperly Paid As Small Entity

4) \$ 1,110.00

Fees for Large Entity (Under Current Fee Schedule)

1) The current fee for filing a Terminal Disclaimer under 37 C.F.R. 1.20(d) for a large entity is \$ 130.00;

2) The current fee amount for filing fifteen (15) additional independent claims for a large entity is \$ 3,000.00; and

3) The current fee for filing an RCE as a large entity is 790.00.

4) Total fees for filing as large entity (under the current fee schedule): \$ 3,920.00.

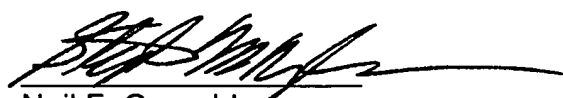
Amount of Deficiency Owed

\$ 3,920.00 – \$ 1,110.00 = \$ 2,810.00

Therefore, in addition to requesting change of status to a large entity, Applicant requests acceptance of the instant payment of the total deficiency owed for payment of the above-noted fees in the amount of \$ 2,810.00.

Any refund amounts can be credited to Deposit Account No. 19-0089. Should any additional fees be deemed necessary to ensure full payment for the above-captioned matter, authorization is hereby given to charge any additional amounts to Deposit Account No. 19-0089.

Respectfully submitted,
S. SCHRAGA


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December 4, 2006
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